



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

V.S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/861,063	05/21/97	POLITIS	G 169.0563

005514 LM02/0329
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

EXAMINER

LEE, A

ART UNIT PAPER NUMBER

2772

DATE MAILED:

03/29/99

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/861,063

Applicant(s)

Politis

Examiner

Albert K. Lee

Group Art Unit

2772

☒ Responsive to communication(s) filed on May 21, 1997 through Dec. 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2772

III. DETAILED ACTION

Information Disclosure Statement

1. Receipt is acknowledged of Applicant's Information Disclosure Statement received December 22, 1998 has been placed in the application file and considered by the Examiner.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Expression Tree Optimization for Processing Obscured Graphical Objects.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2772

5. Claims 1-3, 5/1-3, 6-8, 17-19 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Politis** (AU 9523362 A, published Feb. 8, 1996).

Independent claims 1, 8, 17 and 24

Regarding claim 1, **Politis** discloses the claimed features of:

“comparing the region represented by said node to a region representation data structure corresponding to one or more regions represented by at least one other node” (page 31, claim 3, step (a); page 10, lines 10-22; page 12, lines 27-34; page 17, line 5 through page 19, line 14; page 19, lines 15-26; Figs. 1-9 and 30-32; Abstract);

“determining if the region represented by said node is totally or partially obscured by said one or more regions” (page 31, claim 3, steps (a)-(c); page 17, line 24 through page 19, line 14; page 19, lines 15-26; Figs. 1-9 and 30-32; Abstract); and

“modifying the expression tree in the event that the region represented by said node is at least partially or totally obscured” (page 31, claim 3, step (d); page 12, lines 19-26; page 20, line 1 through page 22, line 22; page 23, line 5 through page 27, line 34; Figs. 17-27; Abstract).

Here, the claimed “region” represented by a node is broad enough to read upon the teachings of a predefined space or bounding box in **Politis** (for example, at page 16 , line 6 through page 17, line 11).

Regarding claim 8, **Politis** discloses the claimed features of: “traversing the expression tree node by node” (page 10, lines 11-19, page 19, lines 10-14); and

Art Unit: 2772

“determining at a current node if a region of the image represented at said current node is obscured by regions represented by at least one other node, and modifying said expression tree in the event that the current node is partially or totally obscured” (page 17, line 24 through page 19, line 14; page 23, line 5 through page 27, line 34; page 31, claim 3; Figs. 1-9, 17-27 and 30-32; Abstract).

Claim 17 recites the corresponding apparatus to method claim 1, and thus the rejections to claim 1 hereinabove are also applicable to claim 17.

Claim 24 recites the corresponding apparatus to method claim 8, and thus the rejections to claim 8 hereinabove are also applicable to claim 24.

Dependent claims 2, 3, 5/1-3, 6, 7, 18, 19, 22 and 23

Regarding claim 2, **Politis** discloses the claimed features of: “wherein the step of modifying the expression tree includes applying a clipping operator to said node in the event the region represented by said node is partially obscured” (page 31, claim 1).

Regarding claim 3, **Politis** discloses the claimed features of: “wherein the step of modifying the expression tree when said node is totally obscured further includes the steps of: if the node is a graphical element, removing the node” (page 18, line 31 through page 19, line 3;

Art Unit: 2772

page 23, lines 5-24) and “if the node is a graphical operator, applying a predetermined set of node replacement rules in accordance with said graphical operator” (page 23, lines 5-24).

Regarding claims 5/1, 5/2 and 5/3, **Politis** discloses the claimed features of: “wherein the graphical operators are image compositing operators” (page 2, Table 1). Thus, the claimed features based on the dependency to any of claims 1-3 are deemed anticipated, as per the rejections to claims 1-3 hereinabove.

Regarding claim 6, **Politis** discloses the claimed features of: “wherein the region representation is of the form of a hierarchical data structure” (page 8, lines 15-28, whereby expression trees are a form of hierarchical data structure).

Regarding claim 7, **Politis** discloses the claimed features of: “wherein the hierarchical data structure is a quadtree representation” (page 8, lines 15-28, whereby expression trees inherently include octrees and quadtrees).

Claims 18, 19, 22 and 23 recite the corresponding apparatus to method claims 2, 3, 6 and 7, and thus the rejections to claims 2, 3, 6 and 7 hereinabove are also applicable to claims 18, 19, 22 and 23, respectively.

Art Unit: 2772

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5/4, 9-16, 20, 21 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Politis** (AU 9523362 A, published Feb. 8, 1996).

Independent claims 11 and 27

Regarding claim 11, **Politis** discloses the claimed features of:

“traversing the expression tree node by node and at each current node comprising a graphical operator applying the sub-steps of:” (page 10, lines 11-19; a first pass of bounding box minimization from all leaf nodes up to the root node at page 16, line 24 through page 18, line 17 and in Fig. 17; a second pass of bounding box minimization from the root node down to the leaf nodes at page 18, line 18 through page 19, line 30 and in Fig. 18);

“(I) receiving a first region representation from a parent node” (page 18, lines 18-27; node 43);

Art Unit: 2772

“(ii) passing to a first operand of said graphical operator a modified first region representation in accordance with a first predetermined modification rule for said operator” (page 18, lines 27-34; Fig. 18 node 45);

“(iii) returning to the graphical operator a second region representation of regions obscured by a sub-tree associated with the first operand” (page 19, lines 15-30);

“(iv) passing to a second operand of said graphical operator a modified second region representation in accordance with a second predetermined modification rule for said operator” (page 18, line 34 through page 19, line 9; Fig. 18 node 37);

“(v) returning to the graphical operator a third region representation of regions obscured by a sub-tree associated with the second operand” (page 19, lines 15-30); and

“(vi) determining, in accordance with a set rule for said graphical operator, a final region representation [to be returned to the parent node]” (page 19, lines 10-14).

Politis does not explicitly disclose that the final region representation is to be “returned to the parent node”. However, this would have been obvious to one having ordinary skill in the art at the time of Applicant’s invention, because the teachings/suggestions in **Politis** at, for example, page 16, line 24 through page 18, line 17 (and Fig. 17) provide the motivation to traverse the expression tree from leaf nodes up to parent nodes, so that the desired final graphical image is advantageously generated through expression tree optimization by traversing the nodes in both directions, to thus minimize the overall graphics generation processing time.

Art Unit: 2772

Claim 27 recites the corresponding apparatus to method claim 11, and thus the rejections to claim 11 hereinabove are also applicable to claim 27.

Dependent claims 4, 5/4, 9, 10, 12-16, 20, 21, 25, 26 and 28-32

Regarding claim 4, **Politis** does not explicitly disclose all of the claimed features regarding the specific replacement rules. However, these would have been obvious to one having ordinary skill in the art at the time of Applicant's invention, because the teachings/suggestions in **Politis**, at for example, page 23, lines 5-27, page 29, lines 1-18, and the various graphical operators shown at page 2, Table 1, provide the motivation to further apply various other optimization rules in order to optimize the expression tree as per the claimed features for advantageously compositing graphical images.

Regarding claim 5/4, **Politis** discloses the claimed features of: "wherein the graphical operators are image compositing operators" (page 2, Table 1). Thus, the claimed features based on the dependency to claim 4 is deemed obvious.

Regarding claim 9, **Politis** discloses the claimed features of: "wherein said modifying includes removing said current node or replacing said current node with another node of the expression tree" (page 23, lines 5-24).

Art Unit: 2772

Regarding claim 10, **Politis** discloses the claimed features of: “wherein said modifying further includes clipping, or making for clipping at a later time, the region represented by said current node” (page 19, line 31 through page 22, line 23; page 27, lines 12-15).

Regarding claim 12, **Politis** discloses the claimed features of: “(a) where the graphic operator is an “over” or a “plusC” operator...” (page 17, Table 5); “(b) where the graphic operator is an “in” operator...” (page 17, Table 5); “(c) where the graphic operator is an “ratop” operator...” (page 17, Table 5); “(d) where the graphic operator is an “out” operator...” (page 17, Table 5); and “(e) where the graphic operator is an “Xor” or “plusW” operator...” (page 17, Table 5).

Regarding claim 13, **Politis** discloses the claimed features of: “passing substantially the first region representation as the modified first region representation in the event that the graphical operator is an “over”, “in”, “ratop”, “plusC”, “plusW”...” (page 17, line 24 through page 18, line 17; page 17, Table 5); and “if the graphical operator is an “out” (visit right operand first) operation.....” (page 19, line 31 through page 20, line 9).

Regarding claim 14, **Politis** discloses the claimed features of: “passing substantially the first region representation as the modified first region representation in the event that the graphical operator is an “in”, “ratop”, “out”, “plusC”, “plusW”...” (page 17, line 24 through page

Art Unit: 2772

18, line 17; page 17, Table 5); and “if the graphical operator is an “over” operator.....” (page 17, line 24 through page 18, line 5; page 27, lines 12-19).

Regarding claim 15, a multiple dependent claim, Politis discloses the claimed features of: “wherein the image representation is not created at a node, or returned to a parent node of said node, unless said image representation is subsequently utilised” (page 16, lines 7-23). Thus, the claimed features based on the dependency to claims 11-14 are deemed obvious, based upon the rejections to claims 11-14 hereinabove.

Regarding claim 16, Politis discloses the various claimed features therein at page 22, line 23 through page 30, line 6.

Claims 20 and 21 recite the corresponding apparatus to method claims 4 and 5, and thus the rejections to claims 4 and 5 hereinabove are also applicable to claims 20 and 21, respectively.

Claims 25 and 26 recite the corresponding apparatus to method claims 9 and 10, and thus the rejections to claims 9 and 10 hereinabove are also applicable to claims 25 and 26, respectively.

Claims 28-32 recite the corresponding apparatus to method claims 12-16, and thus the rejections to claims 12-16 hereinabove are also applicable to claims 28-32, respectively.

Art Unit: 2772

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry);

Or:

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert K. Lee whose telephone number is (703) 306-4527. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am-5:00pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mark R. Powell, can be reached on (703) 305-9703. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

AKL
akl

Mar. 22, 1999

Mark K. Zimmerman
MARK K. ZIMMERMAN
PRIMARY EXAMINER